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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

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11 GUADALUPE SOLIS ALVAREZ, No. CIV S-05-0689-DFL-CMK-P

12 Petitioner,

13 vs.

ORDER

14 JAMES YATES, et al.,

15 Respondents.

16 _____ /
17 Petitioner, a state prisoner proceeding pro se, brings this petition for a writ of
18 habeas corpus pursuant to 28 U.S.C. § 2254. Pending before the court is petitioner's motion for
19 appointment of counsel.

20 There currently exists no absolute right to appointment of counsel in habeas
21 proceedings. See Nevius v. Sumner, 105 F.3d 453, 460 (9th Cir. 1996). However, 18 U.S.C.
22 § 3006A authorizes the appointment of counsel at any stage of the case "if the interests of justice
23 so require." See Rule 8(c), Fed. R. Governing § 2254 Cases. In the present case, the court does
24 not find that the interests of justice would be served by the appointment of counsel at the present
25 time.

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1 Accordingly, IT IS HEREBY ORDERED that petitioner's motion for
2 appointment of counsel is denied.

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4 DATED: February 6, 2006.

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6 CRAIG M. KELLISON
7 UNITED STATES MAGISTRATE JUDGE